

REMARKS

For the convenience of the Examiner set forth below is a recapitulation of the current Status of the Claims in the present invention.

CLAIM	STATUS	DEPENDENCY
1	Currently amended	Independent
2	Original	1
3	Currently amended	1
4	Currently amended	1
5	Currently amended	1
6	Currently amended	1
7	Currently amended	1
8	Currently amended	1
9	Currently amended	1
10	Currently amended	1
11	Currently amended	1
12	Currently amended	1
13	Currently amended	12
14	Original	1
15	Original	2
16	Original	1
17	Original	16
18	Original	16

19	Currently amended	1
20	Currently amended	Independent
21	New	Independent
22	New	Independent

Comments of Examiner Maerena W. BREVARD have been reviewed carefully along with pertinent sections of the Patent Act, Patent Rules, the Manual of Patent Examining Procedures, legal treatises and relevant decisional law. The Application has been amended in accordance with Examiner BREVARD's requirements and favorable reconsideration of the Application, as amended, is solicited earnestly.

The Examiner has stated that Claims 4 and 7 would be allowable if rewritten to overcome the rejections under 35 USC 112, second paragraph, set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims.

Accordingly, the subject matter of Claims 4 and 7 is presented as new Claims 21 and 22. No new matter has been added. New Claims 21 and 22 are believed to be patentable.

Claims 1-20 have been rejected under 35 USC 112, second paragraph as being indefinite. Claims 1-20 have been amended, as required, and Claims 1-20, as amended are believed to be patentable.

Claims 1,2,5,6 and 18-19 have been rejected under 35USC 103(a) as being unpatentable over Welch in view of Oliver, Jr.

Claim 20 has been rejected under 35 USC 102(b) as being anticipated by Welch.

Reconsideration is respectfully requested on the basis that examination of the Welch and Oliver patents reveals the following differences between the devices shown therein, the present invention and the statements of the Examiner.

1 Examination of the Welch patent reveals that the first panel is secured to the belt along its upper edge by a series of fasteners (49) to form a series of pockets as is shown in Fig. 2 and as described in lines 60-69.

2 In the present invention, the first panel is fastened to the belt only at upper corners as shown and as claimed in claim 20 thereby forming a single pocket with a continuously open top edge.

3 The Welch device is directed toward providing a series of pockets for various fishing hooks and leaders which must be stored in individual compartments to avoid entanglement. The operation envisioned by Welch is opposite in spirit and function from the function of the present invention in which the first panel provides a single pocket with a continuous open upper edge.

4 The Examiner is correct in stating that Welch does not teach a first receptacle mounted on the attachment means. The Examiner states that it would be obvious to replace the belt buckle of Welch with the belt buckle of Oliver and that doing so would "provide an easily accessible means of storing and retrieving a can of tobacco."

5 Both Welch and Oliver utilize belt buckles. The present invention does not use a belt buckle of any kind.

6 The Oliver device which is titled: Belt Buckle For Holding A Can Of Smokeless Tobacco is directed to the mounting and storing of a can of tobacco on a belt buckle. There is no structural or functional relationship between the Oliver device and the structure and function of the present invention.

7 The Examiner states that Oliver teaches a receptacle (16) mounted on a belt buckle (10). Examination of the Oliver patent reveals that item 16 is not a receptacle but rather a plate, (Col 3 line 40), and that lugs are attached to and project outwardly relative to the plate (16).

8 In the Oliver device a can of tobacco slides along alongside a rigid circular plate (16) until the tobacco can is received by three lugs. There is no relationship between the structure of Oliver and the present invention.

9 The present invention does not use a plate or lugs of any kind.

The Welch and Oliver patents taken individually, or in combination, do not lead to the structure or operation of the present invention. For the foregoing reasons the application of the Welch and Oliver references is not considered to be appropriate and reconsideration of the rejection of Claims 1-20 is respectfully requested

The status of the Claims is as follows:

Claims 1, 3-13 and 19-20 have been amended,

Claims 14-18 are original and

Claims 21 and 22 are new.

A check in the amount of \$ 61.00 covering extra Claims is enclosed.

This amount has been calculated as follows:


Number of claims: $22 - 20 = 2$, fee = \$18.00

Number of independent claims: $4 - 3 = 1$, fee = \$43.00

In view of the foregoing amendments, submissions and explanations it is believed that Claims 1-22 are patentable and that the Application is in condition for Allowance. An early Notice of Allowance will be appreciated.

The courtesy, cooperation and skill of Examiner Maerena W. BREVARD are appreciated.

Respectfully,


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Teaneck NJ
Check in the amount of \$ 61.00